Application No.: 10/562,647

Amendment and Response dated March 12, 2009 Reply to Final Office Action of December 23, 2008

Docket No.: 903-170 PCT/US

Page 9

# **Remarks/Arguments:**

## Introduction

Claims 1, 2, 4, 5, 8, 9, 11-18, 26-29, 31-33, 40 and 41 are pending. Claim 1 has been amended to include the limitations of claim 3. Claim 40 is newly presented and includes the limitations of previously presented claims 1 and 14. Claim 41 is newly presented and includes the limitations of previously presented claims 1, 16 and 17. Claims 3, 19-21, 23, 30 and 34-39 are canceled.

No new matter is introduced with these claim amendments. Entry of the claim amendments is respectfully requested.

## Section 112 Rejections

Claim 30 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claim 30 has been canceled making the Section 112 rejection moot.

#### Allowable Subject Matter

Claims 3, 14 and 17 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim.

Previously presented claim 3 depended directly from independent claim 1. Claim 1 has been amended to include the limitations of allowable claim 3. Claim 3 has been canceled.

Previously presented claim 14 depended directly from independent claim 1. Newly presented independent claim 40 includes the limitations of independent claim 1 and allowable claim 14.

Application No.: 10/562,647

Amendment and Response dated March 12, 2009 Reply to Final Office Action of December 23, 2008

Docket No.: 903-170 PCT/US

Page 10

Previously presented claim 17 depended from claim 16 which depended directly from independent claim 1. Newly presented independent claim 41 includes the limitations of independent claim 1, claim 16 and allowable claim 17.

## **Summary**

Therefore, Applicants respectfully submit that claims 1, 2, 4, 5, 8, 9, 11-18, 26-29, 31-33, 40 and 41 are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,

John S. Sopko

Registration No.: 41,321 Attorney for Applicants

HOFFMANN & BARON, LLP 6900 Jericho Turnpike Syosset, New York 11791 (973) 331-1700